

REMARKS

In the Office Action mailed on June 27, 2005, the Examiner issued a restriction requirement. The Examiner contends that the application contains claims directed to three patentably distinct species: Species A directed to Figures 2-7; Species B directed to Figures 8-10c; and Species C directed to Figures 11-14. The Examiner required an election of a single species for prosecution on the merits.

Applicants elect Species A for prosecution on the merits. Applicants submit that claims 1-23 are generic and readable upon the elected species.

Applicants, however, traverse the election on the grounds that the claims are generic to the disclosed species. Where only generic claims are presented, a restriction requirement can not be issued unless the generic claims recite an unreasonable number of species that would require an unduly extensive and burdensome search. M.P.E.P. 809.02(d). The Examiner acknowledged that claims 1-23 appear to be generic. That is, only generic claims are presented. Further, the Examiner identified only three species. This is not an unreasonable number of species and would not require the Examiner to conduct an extensive and burdensome search. The Office Action does not suggest otherwise. Applicants, therefore, submit that the restriction requirement is not proper because only generic claims were presented and the number of species does not require the Examiner to conduct an extensive or burdensome search. Applicants request that the restriction requirement be withdrawn.


CONCLUSION

For the reasons detailed above, Applicants submit that the application is now in better condition for examination.

Respectfully submitted,

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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: July 26, 2005

Signature: 

Printed Name: Trena Stewart

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